

## **REMARKS**

### **Claim Rejections**

Claims 1-4, 8 and 16-19 stand rejected under 35 USC 103(a) as unpatentable over U.S. Patent Publication No. 2002/0071557 (Nguyen) in view of Federal Information Processing Standards Publication 186 (FIPS) and U.S. Patent Publication No. 2001/007127 (Staring).

Claims 5-7 and 20 stand rejected under 35 USC 103(a) as unpatentable over Nguyen in view of FIPS and Staring and further in view of U.S. Patent No. 5,885,158 (Torango et al.).

Claims 9-15 and 21-23 stand rejected under 35 U.S.C. 103(a) as unpatentable over Torango et al. in view of Nguyen, FIPS and Staring.

### **Claim Amendments**

The claims have been amended to patentably distinguish over the cited references.

### **The Cited References**

Nguyen discloses a gaming system in which gaming machines securely communicate with devices over a public network such as the Internet. (Abstract). The gaming system includes methods for providing gaming licenses, data acquisition and other gaming transactions. (§0015). The system includes a method of sharing transaction data between a gaming machine and a remote server. The transaction data is encrypted and sent to the remote server. The transaction data includes accounting data, game usage data, game configuration data, software version data, etc. (§0016). The system also provides for sending a game license request message from a gaming machine to a remote server. A game license reply message from the remote server includes a game license, updating the license data on the gaming machine. (§0017). The system further provides for sending a gaming report request message from a gaming machine to a remote server, receiving a gaming report reply message from the remote server and when the gaming report reply message includes a gaming report, displaying the gaming report on a gaming machine. (§0019). The remote server may also generate a reply message indicating that an original message from a gaming machine was received. The reply message may include the requested information. For instance, the remote server may request diagnostic data or a report of some type from the gaming machine. The data in the reply message may be encrypted. (§0062).

FIPS discloses signature generation and verification techniques using a secure hash algorithm.

Staring discloses a communication system for the transfer of information from a source device to a sink device. The sink device includes a key resolver operative to determine which candidate session key corresponds to a source session key. (§0014). The key resolver at each sink device decrypts the data in the key check block field of a received packet with a plurality of candidate sink session keys. (§0040). Since the unencrypted value of the key check block field is already known at the sink device, the candidate key which decrypts the encrypted key check block field to the known decrypted value is the current key that should be used for decrypting the remainder of the message. *Id.*

Torango et al. discloses a progressive gaming system. A win event can be automatically generated by a win of a progressive game event at a gaming terminal. (Col. 15, lines 41-51). A cluster controller determines whether the identity of a gaming terminal is valid. (Col. 16, lines 1-15).

### **Applicants' Claimed Invention Would Not Have Been Obvious**

The following factual inquiries must be considered in any obviousness evaluation: the scope and content of the prior art, the differences between the claimed invention and the prior art, the level of ordinary skill in the pertinent art and evidence of any secondary considerations. To establish a *prima facie* case of obviousness, it is axiomatic that the prior art, either alone or in combination, must disclose each and every element of the claimed invention. As stated in the M.P.E.P., “[t]o reject a claim. . . Office personnel must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” M.P.E.P. §2143A.

Moreover, “[t]he rationale to support a conclusion that the claim would have been obvious is that all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art.” *Id.* Also, some articulated reasoning with rational underpinnings must be provided to support a *prima facie* case of obviousness.

Claim 1, for example, calls for digitally signing a command to produce a digitally signed command including a session key from a series of session keys, the current session key being associated with a current session index. Claim 1 has been amended to recite an updated session index being periodically broadcast over the gaming network to a plurality of receiving nodes

including a first receiving node. At least two of the plurality of receiving nodes use the same series of session keys.

According to the Office Action, the combination of Nguyen and FIPS fails to disclose or suggest the features of the claimed invention relating to use of a session key and session index. (Office Action, page 4, lines 7-9).

The Office cites Staring as disclosing a session key as recited in the claims. (Office Action, page 4, line 10 through page 5, line 17). However, the Office Action states: “Staring further discloses that each message includes a session index portion that is used to determine the session index of the receiving device in order to properly decrypt the message by testing the current and future session keys (par 40).” (Page 4, lines 14-16). Thus, each sink device in the system described in Staring must use a key resolver to determine the current session index and the corresponding session key. (§0040). Specifically, successive session keys are used to decrypt the key check block, and the current key is identified when the key check block is decrypted to a correct known value. In contrast to the techniques described in Staring, claim 1 as amended clarifies that an updated session index is periodically broadcast over the gaming network. Thus, the receiving nodes recited in claim 1 determine the current session key not by a trial and error approach, as described in Staring, but rather by receiving the session key index over the network.

The Office Action states: “each message sent by the device includes the updated session key, which has a corresponding index.” (Page 21, lines 4-6). Applicant respectfully disagrees. Each message sent by the source device in Staring includes an encrypted key check block. (§0040). This encrypted key check block can be used by the sink device to identify the current session key, since the unencrypted value of the key check block is known to the receiving node. Id. That is, the receiving node can determine the updated session key by a trial and error approach, as discussed above. Id. Thus, messages sent by the source device in Staring are *encrypted* using the updated session key, but they do not *include* the updated session key. Id.

The Office Action also states: “While Staring teaches that clients have the ability to generate keys and determine the next key, one of ordinary skill would have readily understood that in an instance whereby the client did not have the ability to generate a new key, the failure of the key check would necessitate a new key exchange with the host to obtain the current session key as otherwise the device would be nonfunctional. Thus Staring does provide a message with the updated session index so that the receiving nodes may determine if they are using the proper session key.” (Page 21, lines 8-15). Applicant respectfully disagrees.

First, the Office Action seems to suggest that the claimed features, while not specifically disclosed in Staring, are inherent in the teachings of Staring. According to the M.P.E.P., “[i]n relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” (Emphasis in original). (M.P.E.P. § 2112). However, Staring provides no details as to whether a client ever lacks the ability to generate the current session key, or what would happen if such a situation were to occur. Even if a client could not generate the current session key, a key exchange could be performed without transmitting the session index. For example, the client and server could perform a key exchange in which the current session key, but not a session index, is transmitted. Then, the client could maintain a private session key index. Since it is not clear that the situation described in the Office Action necessarily occurs in the system disclosed in Staring, and since the system disclosed in Staring could use a key exchange technique that does not include transmitting a session index from the source node to the sink node, it is respectfully submitted that the claimed features are not inherent in Staring.

Second, claim 1 has been amended to recite producing a digitally signed command including a current session key from a series of session keys, the current session key being associated with a current session index so that a first receiving node can determine the session key used. At least two of the plurality of receiving nodes use the same series of session keys, and the session index is broadcast over the gaming network to a plurality of receiving nodes including the first receiving node. The one-to-many communication technique of broadcasting the session index over the gaming network to a plurality of receiving nodes, as recited in the claims, is different than the one-to-one technique suggested in the Office Action. Nowhere does Staring disclose that a session index is broadcast over the gaming network to a plurality of receiving nodes.

Since claim 1 recites features not disclosed or suggested in any of the cited references, considered alone or in combination, claim 1 would not have been obvious in view of the cited references. Independent claims 9, 16 and 21 recite features similar to those recited in claim 1. Therefore, claims 9, 16 and 21 would not have been obvious for at least the same reasons as claim 1. The dependent claims include, by virtue of their dependency, the features of the independent claims on which they are based. Therefore, the dependent claims would not have been obvious for at least the same reasons as their respective independent claims.

## **Conclusion**

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicants' undersigned attorney at (510) 663-1100.

If any fees are due in connection with the filing of this amendment (including any fees due for an extension of time), such fees may be charged to Deposit Account No. 504480 (Order No. IGT1P306X1).

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Respectfully submitted,  
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